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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,349	08/31/2006	Jeffery R. Farr	36-2005	9543

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EXAMINER
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WITZENBURG, BRUCE A

ART UNIT	PAPER NUMBER
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2169

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12/28/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	Application No. 10/591,349	Applicant(s) FARR ET AL.	
	Examiner Bruce A. Witzenburg	Art Unit 2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/03/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-32 are pending in this application.

#### ***Information Disclosure Statement***

2. The information disclosure statement filed on 1/03/2007 is in compliance with the provisions of 37 CFR 1.97, and has been considered by the examiner. a copy is included with this office action

#### ***Drawings***

3. The drawings filed on 8/31/2006 are acceptable for examination purposes.

#### ***Claim Objections***

4. The following are objected to for lack of antecedent basis:
  - a. "a method" or "a system" (Claims 2-15 and 19-32, line 1) Note this does not create proper dependence from the claim depended from and the term "the method" or "the system" should be used respectively.
  - b. "content items or data defining access to content items" (Numerous places throughout claimed invention) Note that multiple dependencies are created and several extraneous instances of "content items or data defining access to content items" (i.e. the instance of Claim 1, line 11 could depend from the instances of Claim 1, line 2; 5; 7; or 9-10 and the instance of Claim 5, lines 2-3 is seen as a separate instance as that of Claim 1, line 2)

- c. "users" or "one or more users" (Numerous places throughout the claimed invention) as above, multiple dependencies and extraneous instances of "users" and "one or more users" are created.
- d. "the members" (Claim 1, line 12)
- e. "the content access data" (Claim 1, lines 12-13; 15; Claim 18, line 13; 16)
- f. "the respective values" (Claim 1, line 17; Claim 18, line 18)
- g. "the receipt" (Claim 5, line 2; Claim 6, line 2; Claim 13, line 2; Claim 22, line 2; Claim 23, line 2; Claim 30, line 2)
- h. "the received rating data" (Claim 9, lines 5-6; Claim 26, line 6)
- i. "the time" (Claim 12, line 2; 3; 7; Claim 13, line 2; Claim 29, line 2; 3; 7; Claim 30, line 2)
- j. "the difference" (Claim 12, line 6; Claim 29, line 6)
- k. "the stored content items" (Claim 14, lines 3, Claim 31, line 3)
- l. "the users content access level" (Claim 14, lines 3-4, Claim 31, line 4)

"the changing step" is improper grammar and the examiner suggests modifying all instances of the claimed structure to "the step of changing." Such a change will not produce lack of antecedent basis problems.

"which was rated was received" (Claims 9 and 26) is improper grammar and should be corrected.

"the which first content item" (Claims 12 and 29) is improper grammar and should be corrected.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1-32, the terms "data defining access to content items" and "content access data" (seen throughout claimed invention) are not supported as being distinct by the specification. If these are to be two different items within the applicant's claimed invention the difference should be claimed or supported by the specification. If these are identical items they should reflect antecedent basis as such in the claims.

Regarding claims 1-32, the term "the respective values" (Claims 1 and 18) can refer both of a "content access value" or a "property having a value" and thus is indefinite.

Regarding claims 1-32 the term "the users" and associated terms are intended to lend basis for both remote and local users, however many instance arise where the locality

of the user is unclear. The examiner suggests modifying the claimed structure to particularly define remote and local users.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 16 is rejected under 35 U.S.C 101 as being directed towards non-patentable subject matter. Regarding claim 16, a program must be stored on a computer readable storage medium and executed by a computer (See MPEP 2106.01 paragraphs 1&2).

7. Claim 17 is rejected under 35 U.S.C 101 as being directed towards non-statutory subject matter. Regarding claim 17, the embodiment lacks utility because it represents a medium holding nonfunctional descriptive material (See MPEP 2106.01 paragraphs 3&4). Note this is due to the first of two embodiments as claimed: a (any) computer program or the program suite of claim 16 (emphasis added).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 1, 2, 4-19, and 21-32 are rejected under 35 U.S.C. 102(a) as being anticipated by "A Reputation System for Peer-to-Peer Networks" as presented at NOSSDAV June 1-3 2003, Minaxi Gupta, Paul Judge, Ammar Mostafa, hereafter Gupta

Regarding claim 1, Gupta discloses a content item provisioning method (Pg 144, Left Column, lines 3-6), comprising the steps: storing content items or data defining access to content items for provision to users (Pg 144, Left Column, lines 3-9 and Pg 144, Right Column, lines 6-10);

maintaining, for one or more users, respective content access data usable to determine which content items or data defining access to content items may be provided to respective users (Pg 144, Right Column, lines 11-13);

receiving content items or data defining access to content items from users for provision to users (Pg 147, Right Column, lines 46-56);

changing the respective content access data for those users from which content items or data defining access to content items are received (Pg 148, lines 24-25);

and providing a sub-set of the content items or data defining access to content items to a user, the members of the sub-set being determined in dependence on the content

access data of the user (Pg 147, Right Column, lines 46-56), wherein each content item or set of data defining access to a content item has a property having a value, and the content access data comprises a content access value relating to the property, wherein the sub-set of the content items or data defining access to content items is determined in dependence on the respective values (Pg 147, Right Column, lines 46-56 and Pg 144, Left Column, Lines 1-6 Note the reputation information is formed from the receipts of Pg 147).

Regarding claim 2, Gupta discloses the property values and content access values are times and/or dates (Pg 146, Right Column, lines 42-46).

Regarding claim 4, Gupta discloses multiple sets of content items or data defining access to content items being stored, and respective content access data being maintained for one or more of the sets of content items or data defining access to content items (Pg 149, Left Column, lines 1-19 and Pg 147, Right Column, lines 46-56).

Regarding claim 5, Gupta discloses content access data for one set being changed in dependence on the receipt from users of content items or data defining access to content items for that set (Pg 144, Left Column, lines 7-15 Note the objective criteria depend on a user receipt as shown in Pg 147, Right Column, lines 46-56).



Regarding claim 6, Gupta discloses content access data for one set being changed in dependence on the receipt from users of content items or data defining access to content items for another set or sets (Pg 144, Left Column, lines 7-15 Note the objective criteria depend on a user receipt as shown in Pg 147, Right Column, lines 46-56 for the content being received and past content).

Regarding claim 7, Gupta discloses the content access values being changed so as to increase the content items or data defining access to content items provided in the sub-set (Pg 144, Left Column, lines 7-15 Note that serving data inherently gains the user greater access to content in the implementation of Gupta).

Regarding claim 8, Gupta discloses the content access values being changed to give a fixed change in the content items or data defining access to content items with which the users are provided in the sub-set (Pg 144, Left Column, lines 7-15 and Pg 149, Right Column, lines 10-21 Note the implementation of Gupta is a reputation system to be combined with existing peer to peer systems which already offer different levels of access to content).

Regarding claim 9, Gupta discloses the step of receiving rating data specifying a rating given to a content item by a user from one or more users, wherein the changing step comprises changing the content access value for the user from which the content item or data defining access to the content item which was rated was received in

dependence on the received rating data (Pg 144, Left Column, lines 7-15 and Pg 145, Right Column, lines 1-21 and Pg 145 Figure 1 Note quality is a determining factor in the reputation score and is inherently an objective metric and as such must be a user-defined criteria).

Regarding claim 10, Gupta discloses the rating is weighted according to the content access value of the rating user (Pg 149, Left Column, lines 47-50).

Regarding claim 11, Gupta discloses the changing step further comprising receiving requests for specific content items or data defining access to content items from users, and changing the content access value for the user from which the requested content item or data defining access to content was received (Pg 147, Right Column, lines 46-50 Note this metric is use to calculate reputation).

Regarding claim 12, Gupta discloses the changing step further comprising monitoring the time or date at which a first content item or data defining access to a content item is received in relation to the time or date a second content item or data defining access to a content item is received (Pg 146, Right Column, lines 42-46), and changing the content access value of the user from the which first content item or data defining access to a content item was received in dependence on the difference between the times and/or dates (Pg 146, Right Column, lines 42-46 Note that upon expiration, the

first receipt no longer gives credit and thus the reputation score is decreased).

Regarding claim 13, Gupta discloses wherein the changing step further comprising monitoring the time since the receipt of a content item or data defining access to a content item (Pg 146, Right Column, lines 42-46), and changing the content access value of the user from which the content item or data defining access to the content item was received in dependence on the monitored time (Pg 146, Right Column, lines 42-46 Note expiration is based upon a metric of time and is used to calculate reputation).

Regarding claim 14, Gupta discloses further comprising the step of permitting a user to perform manipulations of the stored content items or data defining access to content items in dependence on the user's content access level (inherent in Pg 149, Left Column, lines 47-50 as a bad reputation score would disqualify some users from carrying out operations like rating content which is inherent as shown concerning claim 9 above).

Regarding claim 15, Gupta discloses collectively performing [the method of claim 1] by at least a sub-set of peers within a peer to peer network (Pg 144, Left Column, lines 1-6 Note that a transaction between some users of a peer-to-peer network is inherently a subset of the total network).

Regarding claim 16, Gupta discloses a computer program or suite of computer programs arranged such that when executed by a computer system or a plurality of computer systems it/they cause the computer system or systems to perform the method of any of the preceding claims (Inherent in Pg 144, Left Column, lines 1-6 Note a peer-to-peer network allows participation through a controlling software suite).

Regarding claim 17, Gupta discloses a computer readable storage medium storing a computer program or any one or more of a suite of computer programs according to claim 16 (Inherent in Pg 144, Left Column, lines 1-6 as software must be embodied on a tangible medium in order to execute instructions).

Regarding claim 18, Gupta discloses A content item provisioning system (Pg 144, Left Column, lines 3-6), comprising:

content storage arranged in use to store content items or data defining access to content items for provision to users (Inherent in Pg 144, Left Column, lines 3-9 and Pg 144, Right Column, lines 6-10 as the peer-to-peer software of Gupta must be embodied on a physical medium and inherently has storage for downloaded content items);  
data storage arranged in use to store, for one or more users, respective content access data usable to determine which content items or data defining access to content items may be provided to respective users (Pg 144, Right Column, lines 11-13);  
first receiving means for receiving content items or data defining access to content items from users for provision to users (Pg 147, Right Column, lines 46-56);

a data processor arranged in use:

i) to change the respective content access data for those users from which content items or data defining access to content items are received (Pg 148, lines 24-25); and  
ii) determine a sub-set of the content items or data defining access to content in dependence on the content access data of a user (Pg 147, Right Column, lines 46-56); and means for providing the determined sub-set to the user, wherein each content item or set of data defining access to a content item has a property having a value, and the content access data comprises a content access value relating to the property, wherein the sub-set of the content items or data defining access to content items is determined in dependence on the respective values (Pg 147, Right Column, lines 46-56 and Pg 144, Left Column, Lines 1-6 Note the reputation information is formed from the receipts of Pg 147).

Regarding claim 19, claim 19 discloses limitations similar to claim 2 above and is rejected for substantially the same reason.

Regarding claim 21, claim 21 discloses limitations similar to claim 4 above and is rejected for substantially the same reason.

Regarding claim 22, claim 22 discloses limitations similar to claim 5 above and is rejected for substantially the same reason.

Regarding claim 23, claim 23 discloses limitations similar to claim 6 above and is rejected for substantially the same reason.

Regarding claim 24, claim 24 discloses limitations similar to claim 7 above and is rejected for substantially the same reason.

Regarding claim 25, claim 25 discloses limitations similar to claim 8 above and is rejected for substantially the same reason.

Regarding claim 26, claim 26 discloses limitations similar to claim 9 above and is rejected for substantially the same reason.

Regarding claim 27, claim 27 discloses limitations similar to claim 10 above and is rejected for substantially the same reason.

Regarding claim 28, claim 28 discloses limitations similar to claim 11 above and is rejected for substantially the same reason.

Regarding claim 29, claim 29 discloses limitations similar to claim 12 above and is rejected for substantially the same reason.

Regarding claim 30, claim 30 discloses limitations similar to claim 13 above and is rejected for substantially the same reason.

Regarding claim 31, claim 31 discloses limitations similar to claim 14 above and is rejected for substantially the same reason.

Regarding claim 32, claim 32 discloses limitations similar to claim 15 above and is rejected for substantially the same reason.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta in view of Nye et al. (US 2002/0156917) hereafter Nye.

Regarding claim 3, Gupta does not specifically disclose the property values and content access values being geographical positions. Nye discloses a peer to peer network including geographical locations in order to provide fresher indexing data (Abs), and it would have been obvious to one of ordinary skill in the art at the time of the invention to

include location information in order to increase efficiency and provide fresher data by including geographic information to the peer-to-peer environment of Gupta.

Regarding claim 20, claim 20 discloses limitations similar to claim 3 above and is rejected for substantially the same reason.

### ***Conclusion***

The prior art made of reference in this case is as follows:

- a. "A Reputation System for Peer-to-Peer Networks" Minaxi Gupta, Paul Judge, Mostafa Ammar, Presented at NOSSDAV 2003
- b. NOSSDAV 2003 web page (<http://www.nossdav.org/2003/>)
- c. Nye et al. (US 2002/0156917)

The prior art made of reference but not relied upon is as follows:

- d. "A Frequent-Sharer Program for Peer-to-Peer Systems" Minaxi Gupta, Paul Judge, Mostafa Ammar (Sept 10, 2003) from:  
<http://web.archive.org/web/20030910235549/http://www.cc.gatech.edu/grads/g/Minaxi.Gupta/pubs/tr-incentives.pdf>
- e. "Incentives Build Robustness in BitTorrent" Bram Cohen (May 22, 2003)

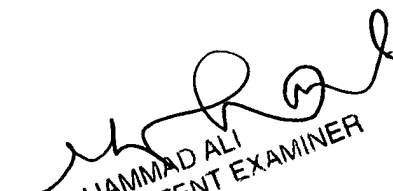


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce A. Witzenburg whose telephone number is 571-270-1908. The examiner can normally be reached on M-F 9:00 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ali Mohammed can be reached on 571-272-4105. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BW

  
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SUPERVISORY PATENT EXAMINER